UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,137	03/15/2001	Jason French	C3685.0011/P011	4641

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EXAMINER
LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
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<td rowspan="2">Office Action Summary</td>
<td colspan="2">Application No.</td>
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<td colspan="2">Jennifer Liversedge</td>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 05 August 2005.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-19 and 21-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-19 and 21-54* is/are rejected.

7)☒ Claim(s) *4-9, 11-12, and 21-36* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

EA

DETAILED ACTION

Response to Amendment

1.   This Office Action is responsive to Applicant's amendment and request for

reconsideration of application 09/808,137 (3/15/2001) filed on 8/5/2005.

The amendment contains amended claims 1, 19, 39, 40, 42, 52, 53.

The amendment contains canceled claims 3 and 20.

Claim Objections

2.   Claims 4-9, 11-12, and 21-36 are objected to because of the following

informalities: claim dependency was not corrected upon cancellation of claims 3 and

20. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-2, 4-7, 10-12, 15-17, 19, 21-22, 26-34 and 37-51 are rejected under 35

U.S.C. 102(e) as being anticipated by Gindlesperger (US PAT 6,397,197).

5.   Re Claim 1: Gindlesperger discloses a method for a consumer to obtain a price quote for a product, comprising: submitting a request for a quote by the consumer (i.e. buyer, the buyer transmits an invitation for bid to the vendors, see col 7, L 39-42) to a staging area (i.e. the area where the PrintProSys.SM. server is, see col 4, L 57-59), wherein said quote includes at least one product specification (see col 9, L 24-25 and 36-39); forwarding said request from said staging area to at least one carrier (i.e. vendor, "one or more of the vendors receiving the vendor's invitation for bid", see col 8, L 3-6); and routing at least one quote from said carrier to said consumer via said staging area in response to said request (see col 5, L 24-27).

6.   Re Claim 2: Gindlesperger further discloses wherein said staging area is controlled by a broker (i.e. PrintProSys.SM. server, see col 5, L14-18).

7.   Re Claim 4: Gindlesperger further discloses pre-screening said quote in said staging area so as to be at or below a certain maximum prior to routing to said consumer (see col 5, L 24-30).

8.   Re Claim 5: Gindlesperger further discloses said request is forwarded to two or more carriers (i.e. vendors, "one or more of the vendors receiving the vendor's invitation for bid", see col 8, L 3-6).

9.   Re Claim 6: Gindlesperger further discloses wherein each of said carriers (i.e.
vendor) routes a quote to said staging area so as to provide at least two quotes to said
staging area (see col 8, L 4-5).

10.   Re Claim 7: Gindlesperger further discloses wherein each of said quotes is
posted in said staging area and is viewable by each of said carriers (see col 5, L 33-35).

11.   Re Claim 10: Gindlesperger further discloses providing a consumer (i.e. buyer)
profile to said carrier prior to or while forwarding said request for a quote to said carrier
(i.e. to the vendor, see col 5, L 1-10).

12.   Re Claim 11: Gindlesperger further discloses wherein said pre-screening is
performed by a broker (i.e. PrintProSys.SM. server, see col 5, L 14-18).

13.   Re Claim 12: Gindlesperger further discloses wherein after said pre-screening,
said carrier is notified that its said quote is not at an acceptable level (see col 5, L 18-
27).

14.   Re Claim 15: Gindlesperger further discloses wherein said quote is routed within
a specified time period (see col 10, L 24-26).

15.   Re Claim 16: Gindlesperger further discloses wherein said quote is the most

competitive quote which is routed from a first carrier (see col 7, L65-67 and col 8, L 1-2).

16.   Re Claim 17: Gindlesperger further discloses wherein said quote is the most competitive quote from a first carrier in competition with at least one other carrier (see col 8, L 1-7).

17.   Re Claim 19: Gindlesperger discloses a method for at least two carriers to provide a price quote for a product in response to a request for said quote from a consumer, comprising: submitting a first price quote from a first carrier to a staging area (i.e. the area where the PrintProSys.SM. server is, see col 4, L 57-59); reviewing said price quote (see col 7, L 65-67 and col 8, L 1-2); and submitting a second price quote from a second carrier to said staging area (see col 5, L 24-27).

18.   Re Claim 21: Gindlesperger further discloses wherein said staging area is electronically controlled by a broker (i.e. PrintProSys.sM. server, see col 5, L15 and col 7, L 17-22).

19.   Re Claim 22: Gindlesperger further discloses wherein said request for said quote is submitted by said consumer (i.e. buyer, see col 7, L 39) to a staging area (i.e. the area where the PrintProSys.SM. server is, see col 4, L 57-59).

20.   Re Claim 26: Gindlesperger further discloses wherein said broker reviews said

price quote (i.e. PrintProSys.SM. server, see col 5, L 14-18).

21.   Re Claim 27: Gindlesperger further discloses wherein said step of reviewing said

price quote comprises assessing whether said price quote is at or below a pre-

determined maximum (see col 8, L 5-10).

22.   Re Claim 28: Gindlesperger further discloses wherein said step of reviewing

further comprises rejecting a price quote which is above said pre-determined maximum

(see col 5, L 18-27).

23.   Re Claim 29: Gindlesperger further discloses comprising pre-registering said

carrier (i.e. the vendor) with said broker (i.e. PrintProSys.SM. server) prior to submitting

said first price quote (see col 7, L 17-19).

24.   Re Claim 30: Gindlesperger further discloses wherein after said pre-registration

said carrier is notified and selected to participate in said method by said broker (i.e. the

PrintProSys.SM. server sends the vendor an invitation for bid, see col 7, L 49-65).

25.   Re Claim 31: Gindlesperger further discloses comprising establishing certain

date and time parameters for said method (see col 10, L 24-29).

26.   Re Claim 32: Gindlesperger further discloses wherein said method is conducted within a specified time period (see col 10, L 24-26).

27.   Re Claim 33: Gindlesperger further discloses further comprising notifying said carrier of a starting time and an ending time corresponding to said specified time period (see col 10, L 24-29).

28.   Re Claim 34: Gindlesperger further discloses further comprising notifying said carrier of the time remaining within said specified time period (see col 10, L 24-38).

29.   Re Claim 37: Gindlesperger further discloses wherein said price quote includes a qualification (i.e. the vendor capability attributes, see col 6, L 65-67).

30.   Re Claim 38: Gindlesperger further discloses wherein said qualification includes conditional terms pertaining to said product (i.e. the vendor capability attributes, see col 6, L 65-67 and col 7, L 1-16).

31.   Re Claim 39: Gindlesperger discloses a method of brokering a transaction, comprising: receiving at least one request for a price quote from a consumer (i.e. buyer, see col 7, L 39) for a product the consumer is interested in purchasing (i.e. print); receiving at least one price quote from a first carrier (i.e. vendor) of said product (see col 8, L 3); receiving a second quote from a second carrier (i.e. vendor) of said product;

and posting said request and said price quotes to a staging area (i.e. the area where the

PrintProSys.SM.server is, see col 4, L 57-59 and col 8, L 6-7).

32.   Re Claim 40: Gindlesperger further discloses wherein said method is electronic

and said transaction is an on-line auction (see col 7, L 17-22 and col 8, L 3-10).

33.   Re Claim 41: Gindlesperger further discloses wherein said staging area is an

electronic viewing area (i.e. PrintProSys.SM. server, see col 5, L 15 and col 7, L 17-22).

34.   Re Claim 42: Gindlesperger discloses a system for conducting an on-line

auction, comprising: an electronic staging area (i.e. the area where the PrintProSys.SM.

server is, see col 4, L 57-59 and col 8, L 6-7) linked to a broker interface (i.e. the

PrintProSys.SM.server) wherein said staging area (i.e. the area where the

PrintProSys.SM. server is, see col 4, L 57-59 and col 8, L 6-7) displays requests for

price quotes on products submitted by consumers (i.e. buyer, see col 7, L 39), and also

displays responses to said requests by one or more carriers (i.e. vendor) of said

products (see col 8, L 6-7).

35.   Re Claim 43: Gindlesperger further discloses comprising a customer interface

and a communications link between said customer interface and said broker interface

(see Fig. 1).

36.   Re Claim 44: Gindlesperger further discloses comprising a carrier interface and a

communications link between said carrier interface and said broker interface (see

Fig.1).

37.   Re Claim 45: Gindlesperger further discloses wherein said staging area (i.e. the

area where the PrintProSys.SM. server is, see col 4, L 57-59 and col 8, L 6-7) is

controlled by a broker through said broker interface (i.e. the PrintProSys.SM. server).

38.   Re Claim 46: Gindlesperger further discloses wherein said broker interface

includes a database (see col 7, L 17-22).

39.   Re Claim 47: Gindlesperger further discloses wherein said broker interface

comprises means for conducting an on-line auction (see col 7, L 17-22).

40.   Re Claim 48: Gindlesperger further discloses wherein said means further

comprises means for posting price quotes in said staging area received during said on-

line auction (see col 8, L 6-9).

41.   Re Claim 49: Gindlesperger further discloses wherein said staging area further

displays a price quote matrix (i.e. the data with the vendors information is stored by the

PrintProSys.SM.server, see col 7, L 17-22 and col 8, L 6-7).

42.   Re Claim 50: Gindlesperger further discloses wherein said system comprises at

least two carrier interfaces (i.e. point at which the connection is made with the vendors,

see col 7, L 17-22).

43.   Re Claim 51: Gindlesperger further discloses wherein said system comprises at

least two customer interfaces (i.e. point at which the connection is made with the buyer,

see col 8, L 8-17).

Claim Rejections - 35 USC § 103

44.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

45.   Claims 8, 9, 18, 23 - 25 and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gindlesperger in view of Ausubel (US PAT 5,905,975).

46.   Re Claim 8: Gindlesperger does not disclose wherein at least one of said carriers

revises said quote after viewing said quotes of other carriers. Ausubel discloses

wherein at least one of said carriers revises said quote after viewing said quotes of

other carriers (see col 2, L 3-8). Thus it would be obvious to one having ordinary skill in

the art at the time of invention was made to modify the method of Gindlesperger by

adapting the teaching of Ausubel to provide the users with the lowest bid price.

47.   Re Claim 9: Gindlesperger further discloses wherein the most competitive of said

price quotes is routed to said consumer (see col 8, L 8-10).

48.   Re Claim 18: Gindlesperger does not disclose wherein each of said carriers

submits a quote in response to another quote by another of said carriers. Ausubel

discloses wherein each of said carriers submits a quote in response to another quote by

another of said carriers (see col 2, L 3-8). Thus it would be obvious to one having

ordinary skill in the art at the time of invention was made to modify the method of

Gindlesperger by adapting the teaching of Ausubel to provide the users with the lowest

bid price.

49.   Re Claim 23: Gindlesperger discloses wherein said method is an auction (see col

8, L 3-15). Gindlesperger does not disclose wherein more than two carriers submit a

price quote such that said carriers are in competition with one another. Ausubel

discloses wherein more than two carriers submit a price quote such that said carriers

are in competition with one another (see col 2, L 3-8). Thus it would be obvious to one

having ordinary skill in the art at the time bf invention was made to modify the method of

Gindlesperger by adapting the teaching of Ausubel to provide the users with the lowest

bid price.

50. Re Claim 24: Gindlesperger does not disclose wherein said first carrier submits a

first price quote and said second carrier submits a second price quote after reviewing

said first price quote. Ausubel discloses wherein at least one of said carriers revises

said quote after viewing said quotes of other carriers (see col 2, L 3-8). Thus it would

be obvious to one having ordinary skill in the art at the time of invention was made to

modify the method of Gindlesperger by adapting the teaching of Ausubel to provide the

users with the lowest bid price.

51. Re Claim 25: Gindlesperger further discloses wherein the most competitive of

said price quotes is transmitted to said consumer (see col 8, L8-10).

52. Re Claim 52: Gindlesperger discloses a method for a broker to conduct an on-

line auction, comprising: pre-registering at least one customer (i.e. buyer) who is

interested in obtaining a competitive price quote on a product; pre-registering at least

two carriers (i.e. vendors) of said product (i.e. print); establishing a time for said auction;

having said at least one customer submit a request for a price quote during said auction

time (i.e. buyer, see col 7, L 39); having a first carrier submit a first price quote in

response to said request (see col 8, L 3);

Gindlesperger does not disclose posting said first price quote for viewing by at

least one of said customer and said carriers; having a second carrier submit a second

price quote in response to said request and to said first price quote; and posting said

second price quote for viewing by at least one of said customer and said carriers.

Ausubel discloses posting said first price quote for viewing by at least one of said

customer and said carriers (see col 1, L 57-61); having a second carrier submit a

second price quote in response to said request and to said first price quote (see col 1, L

57-61); and posting said second price quote for viewing by at least one of said customer

and said carriers (see col 1, L 57-61). Thus it would be obvious to one having ordinary

skill in the art at the time of invention was made to modify the method of Gindlesperger

by adapting the teaching of Ausubel to provide the users with the lowest bid price.

53.   Claims 13, 14, 35, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gindlesperger in view of Howorka (US PAT 6,282,521).

54.   Re Claim 13: Gindlesperger does not disclose wherein said request for a quote is

submitted anonymously so that said carrier does not know the identity of said

consumer. Howorka discloses wherein said request for a quote is submitted

anonymously so that said carrier does not know the identity of said consumer (see col

1, L 57-61). Thus it would be obvious to one having ordinary skill in the art at the time

of invention was made to modify the method of Gindlesperger by adapting the teaching

of Howorka to provide the users with the lowest bid price.

55.   Re Claim 14: Gindlesperger further discloses wherein said request is submitted

along with a profile of said customer, wherein said profile contains selected actuarial

facts about said customer or one or more employees of said customer (see col 5, L 1-

6).

56.   Re Claim 35: Gindlesperger does not disclose wherein said carrier does not

know the identity of said consumer. Howorka discloses wherein said request for a

quote is submitted anonymously so that said carrier does not know the identity of said

consumer (see col 1, L57-61). Thus it would be obvious to one having ordinary skill in

the art at the time of invention was made to modify the method of Gindlesperger by

adapting the teaching of Howorka to provide the users with the lowest bid price.

57.   Re Claim 36: Gindlesperger further discloses further comprising notifying said

carrier (i.e. the vendor) that its quote is being transmitted to said consumer (see col 8, L

3-20).

58.   Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable

Gindlesperger in view of Ausubel, further in view of Kelly (US PAT 5,806,042).

       Gindlesperger discloses: a method for competitively quoting a rate of return for

premiums, comprising: pre-registering at least two carriers (i.e. vendors, see col 9, L 21-

26); establishing an auction time and period (see col 7, L 39); submit a request for a

quote during said auction; having a first carrier submit a first quote in response to said

request (see col 8, L 7-8); posting said quote (see col 8, L 3-4);

Gindlesperger does not disclose: having a second carrier submit a second quote

in response to said request and to said response from said first carrier; and posting said

second quote. Ausubel discloses: having a second carrier submit a second quote in

response to said request and to said response from said first carrier (see col 1, L 57-

61); and posting said second quote (see col 1, L 57-61).

Neither Gindlesperger nor Ausubel disclose bank-owned life insurance (BOLI).

Kelly discloses bank-owned life insurance (BOLI). Thus it would be obvious to one

having ordinary skill in the art at the time of invention was made to modify the method of

Gindlesperger and Ausubel by adapting the teaching of Kelly to provide the users the

best possible price on life insurance.

59.   Claim is 54 is rejected under 35 U.S.C. 103(a) as being unpatentable

Gindlesperger in view of Kelly.

Gindlesperger discloses: An electronic system useful in conducting an on-line

auction, comprising: a broker-controlled staging area for displaying responses received

to said requests during an on-line auction (see col 7, L 39 and col 8, L 6-7), wherein

said staging area (i.e. the area where the PrintProSys.SM. server is, see col 4, L 57-59

and col 8, L 6-7) is in communication with a broker interface (i.e. the PrintProSys.SM.

server). Gindlesperger does not disclose bank-owned life insurance (BOLI). Kelly

discloses bank-owned life insurance (BOLI). Thus it would be obvious to one having

ordinary skill in the art at the time of invention was made to modify the method of

Gindlesperger by adapting the teaching of Kelly to provide the users the best possible

price on life insurance.

Response to Arguments

60.   Applicant's arguments filed regarding 35 USC § 102 have been fully considered

but they are not persuasive.

61.   The Applicant, in the amendment to the claims, has added reference to

"selecting, by said customer, from a carrier list, at least one carrier", "selected by a

customer from a carrier list", and other related phraseologies of similar language. The

Applicant cites this as the primary shortcoming of the Gindlesperger patent in

addressing the claims in the current application. While this criteria was not in the

original claim language, the Examiner points the Applicant to the Gindlesperger patent

where several references are made to selecting the carrier by the customer for

notification of the Request for Quote (column 1, lines 48 – 54, column 2, lines 8 – 11,

column 3, lines 23 – 28, column 4, lines 4 – 6, column 5, lines 44 – 47, column 6, lines

12 – 16 and Figure 3). Therefore claims 1, 19, 39, 42, and 52 and their dependent

claims retain the rejection as given in the initial Office Action.

62.   Claim 52 was rejected by the combination of Gindlesperger and Ausubel.

Ausubel discloses an electronic, computer-based auction system and method. Given

the electronic, computer-based systems and methods as disclosed by Gindlesperger

and Ausubel, it would be obvious to one of ordinary skill in the art to combine the

auction systems and methods as disclosed by Ausubel with the bidding request for

quote system as disclosed by Gindlesperger. Both offer computer-based system for

eliciting and facilitating e-commerce between consumers and suppliers. Therefore claim

52 retains the rejection as given in the initial Office Action.

63.   Claims 53 and 54 remain rejected by the combination of Gindlesperger, Ausubel

and Kelly. Kelly discloses a computer-based method and system for BOLI policies.

Gindlesperger and Ausubel disclose computer-based systems and methods for

auctioning and bidding, for eliciting e-commerce between consumers and suppliers. It

would be obvious to one of ordinary skill in the art to combine Gindlesperger, Ausubel

and Kelly as the BOLI policy is one of many business e-commerce activities, and

Gindlesperger and Ausubel disclose computer-based system for eliciting and facilitating

e-commerce between consumers and suppliers. Therefore claims 53 and 54 retain the

rejection as given in the initial Office Action.

64.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

         A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

65.   Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.
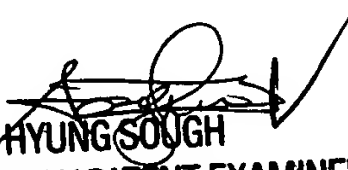
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600